

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

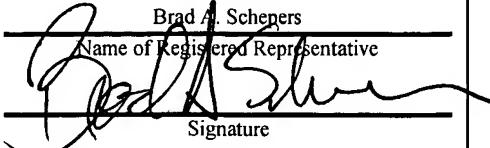
In re patent application of:) Before the Examiner:
 Estes et al.) Jessica R. Baxter
)
 Application Serial No. 10/650,494) Group Art Unit 3733
)
 Filed August 28, 2003) Ref. No. MSDI-479/
) PC457.06
)
 LATERALLY EXPANDING) June 15, 2006
 INTERVERTEBRAL FUSION DEVICE)

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed May 4, 2006, please enter and consider the following remarks. A fee in the amount of \$120.00 is remitted herewith for a one (1) month extension of time, thereby extending the time period to respond to the Restriction Requirement to July 4, 2006. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: | |
| June 15, 2006 | |
| _____ Date of Deposit | |
| Brad A. Schepers | |
| _____ Name of Registered Representative | |
|  Signature | |
| June 15, 2006 | |
| _____ Date of Signature | |